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TIME 9:01 AM

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

JUN 02 2011

IN AND FOR THE COUNTY OF MOHAVE

HONORABLE STEVEN F. CONN  
DIVISION 3  
DATE: MAY 31, 2011

VIRLYNN TINNELL  
CLERK SUPERIOR COURT  
BY: [Signature] DEPUTY  
SC\*

VIRLYNN TINNELL, CLERK

COURT NOTICE/ORDER/RULING

STATE OF ARIZONA,  
  
Plaintiff,  
  
vs.  
  
JOHN CHARLES MCCLUSKEY,  
Defendant.

No. CR-2010-00823

Counsel for KPNX Broadcasting Company have filed a Motion for Camera Coverage of Trial, After Jury Selection. The Court has reviewed the prior pleadings and Orders regarding this issue:

1. Letter dated October 13, 2010, requesting television coverage
2. Order dated October 14, 2010, denying above request
3. Motion for Reconsideration of October 14, 2010 Minute Entry Denying  
Camera Coverage Request filed October 25, 2010
4. Order dated October 28, 2010 denying Motion for Reconsideration

The Court in its Minute Order dated October 14, 2010, made the finding required under Rule 122(b) and held that the likelihood of harm from televising the proceedings would outweigh the benefit to the public of camera coverage. The Court is aware that its concern about the ability to select a fair and impartial jury would be mitigated by the fact that no coverage thusfar has been allowed and that no coverage of the jury selection process is being requested.



The Court continues to have the other concerns it previously expressed. The Court is aware that this case has political implications because of the apparent ease with which 3 persons were able to escape from a privately-run prison, following which 2 are alleged to have killed a couple in New Mexico. However, that is not what this trial is going to be about. Although the Court has not been specifically asked to rule on any such evidentiary issues yet, the Court is certain that it will attempt to have this case tried without any mention of anything that happened in New Mexico. Likewise, the disturbing fact that it may not have been particularly challenging to escape from the correctional facility in question is not a defense to any of the crimes charged against the Defendant and will probably not be explored in any significant detail.

The Court notes that it is not banning media coverage of this trial. It has only precluded live coverage of the court proceedings. This Court has done hearings and trials in the recent past involving high-profile cases in which cameras were not allowed in the courtroom but television stations from Phoenix were still able to provide extensive, perceptive and informative coverage of the proceedings. The Court is confident that the journalistic skills of anyone covering this trial will not be undermined by the unavailability of a 30-second snippet of the actual trial proceedings.

The Court has considered and affirms its specific findings and conclusions made pursuant to Rule 122(b) in its Order dated October 14, 2010.

IT IS ORDERED denying the Motion for Camera Coverage of Trial, After Jury Selection.

cc:

Mohave County Attorney\*

Mohave County Public Defender\*  
John Pecchia

Honorable Steven F. Conn\*  
Division 3

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Kip Anderson\*  
Mohave County Superior Court Administrator

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